



General Assembly

Substitute Bill No. 475

January Session, 2015



AN ACT CONCERNING MUTUAL CONSOLIDATION OF DISPATCH FACILITIES IN NEW LONDON, EAST LYME AND WATERFORD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective October 1, 2015*) As used in this section and
2 sections 2 to 5, inclusive, of this act, the following words have the
3 following meanings unless the context indicates another meaning or
4 intent:

5 (1) "Authority" means a regional dispatch authority created under
6 the provisions of sections 2 to 5, inclusive, of this act or any entity
7 which is a successor of an authority;

8 (2) "Municipalities" means the towns of New London, East Lyme
9 and Waterford;

10 (3) "Project" or "facility" means a regional dispatch facility which the
11 authority is authorized to plan, design, finance, construct, manage,
12 operate or maintain under the provisions of sections 2 to 5, inclusive,
13 of this act, including real estate and improvements thereto and the
14 extension or provision of utilities and other appurtenant facilities
15 deemed necessary by the authority for the operation of the facility or
16 portion of the facility, including all property rights, easements and
17 interests required; and

18 (4) "Region" means the municipalities which have joined together by
19 ordinance concerning dispatch services within such municipalities.

20 Sec. 2. (*Effective October 1, 2015*) (a) The municipalities may, by
21 concurrent ordinances of their legislative bodies, adopt the provisions
22 of sections 1 to 5, inclusive, of this act and designate any existing
23 dispatch authority or create a new authority to be designated as its
24 regional dispatch authority.

25 (b) Adoption of such ordinances by the legislative bodies shall
26 constitute the authority created thereby a public body politic and
27 corporate of the state, and any such authority shall be a political
28 subdivision of the state established and created for the performance of
29 an essential public and governmental function. Such authority shall
30 have all the powers and duties of a municipal dispatch authority or of
31 a regional dispatch authority, as the case may be, and shall have all the
32 rights, powers, duties and obligations of a municipal or regional
33 dispatch authority, as the case may be, pursuant to sections 1 to 5,
34 inclusive, of this act.

35 (c) The affairs of the authority shall be managed by a board. Each
36 member municipality shall appoint, by its chief executive officer or as
37 otherwise provided by ordinance, three persons to be members of such
38 board. The terms of one-third of the initial appointments of each
39 member municipality shall expire one year after the date of such
40 appointment. The terms of one-third of such initial appointments shall
41 expire two years after the date of such appointment. The terms of one-
42 third of such initial appointments shall expire three years after the date
43 of such appointment. All subsequent appointments to replace
44 members whose terms have expired shall be for a term of three years.

45 (d) The member municipalities shall, by concurrent ordinances,
46 determine the method of setting the board members' compensation, if
47 any.

48 (e) A decision by any municipality to join the authority shall not be

49 a subject of collective bargaining but the impact of such decision upon
50 wages, hours and other conditions of employment, shall be a subject of
51 collective bargaining.

52 Sec. 3. (*Effective October 1, 2015*) (a) Any authority created pursuant
53 to sections 1 to 5, inclusive, of this act shall have the power to:

54 (1) Employ a staff, including a director, and to fix their duties;

55 (2) Establish offices where necessary in the region;

56 (3) Retain by contract or employ counsel, auditors, engineers,
57 private consultants and advisors;

58 (4) Sue and be sued;

59 (5) Have a seal and alter it at its pleasure;

60 (6) Make and alter bylaws and rules and regulations with respect to
61 the exercise of its powers;

62 (7) Conduct such hearings, examinations and investigations as may
63 be necessary and appropriate to the conduct of its operations and the
64 fulfillment of its responsibilities;

65 (8) Obtain access to public records and apply for the process of
66 subpoena if necessary to produce books, papers, records and other
67 data;

68 (9) Charge reasonable fees for the services it performs and waive,
69 suspend, reduce or otherwise modify such fees, provided such user
70 fees shall apply uniformly to each member municipality for all users
71 who are provided dispatch services, in accordance with criteria
72 established by the authority;

73 (10) Purchase, lease or rent such real and personal property as it
74 may deem necessary, convenient or desirable;

75 (11) Appoint such advisory councils as it may from time to time
76 deem advisable;

77 (12) Otherwise, do all things necessary for the performance of its
78 duties, the fulfillment of its obligations, the conduct of its operations,
79 the maintenance of its working relationship with the state, other
80 municipalities, regions and persons, and the conduct of a
81 comprehensive program for regional dispatching services in
82 accordance with the provisions of applicable statutes and regulations
83 and the requirements of sections 1 to 5, inclusive, of this act;

84 (13) Own, manage, lease and use real property or any interest
85 therein;

86 (14) Determine the location and character of any project to be
87 developed under the provisions of sections 1 to 5, inclusive, of this act,
88 subject to applicable statutes and regulations;

89 (15) Mortgage or otherwise encumber all or any portion of a project
90 of the authority whenever, in the opinion of the authority, such action
91 is deemed to be in furtherance of the purposes of sections 1 to 5,
92 inclusive, of this act;

93 (16) Grant options to purchase, or to renew a lease for, any project of
94 the authority on such terms as the authority may determine to be
95 reasonable;

96 (17) Acquire, by purchase, gift or transfer, or by condemnation for
97 public purposes, and manage and operate, hold and dispose of real
98 property and, subject to agreement with lessors or lessees, develop or
99 alter such property by making improvements and betterments with the
100 purpose of enhancing the value and usefulness of such property;

101 (18) Make short and long-range plans for regional dispatching;

102 (19) Design or provide for the design of projects of the authority,
103 including design for the alteration, reconstruction, improvement,

104 enlargement or extension of existing facilities;

105 (20) Construct, erect, build, acquire, alter, reconstruct, improve,
106 enlarge or extend projects of the authority including provision for the
107 inspection and supervision thereof and the engineering, architectural,
108 legal, fiscal and economic investigations and studies, surveys, designs,
109 plans, working drawings, specifications, procedures and any other
110 actions incidental thereto;

111 (21) Contract with other municipalities, municipal, state and
112 regional authorities, state and federal agencies and private entities to
113 provide dispatching services in accordance with the provisions of
114 sections 1 to 5, inclusive, of this act and to plan, design, construct,
115 manage, operate and maintain facilities on their behalf;

116 (22) Design and construct improvements or alterations on properties
117 which it owns or which it operates by contract on behalf of other
118 municipal or regional authorities, state agencies or other
119 municipalities;

120 (23) Contract for services in the performance of architectural and
121 engineering design, the supervision of design and construction, system
122 management and facility management, for such professional or
123 technical services as are specified in this section and for such other
124 professional or technical services as may require either prequalification
125 of a contractor or the submission by any individual, firm or consortium
126 or association of individuals or firms of a proposal in response to an
127 official request for proposal or similar written communication of such
128 authority, whenever such services are, in the discretion of such
129 authority, deemed necessary, desirable or convenient in carrying out
130 the purposes of such authority;

131 (24) Accept gifts, grants or loans of funds, property or service from
132 any source, public or private, and comply, subject to the provisions of
133 sections 1 to 5, inclusive, of this act, with the terms and conditions
134 thereof;

135 (25) Accept from a federal agency loans or grants for use in carrying
136 out its purposes and enter into agreements with such agency
137 respecting any such loans or grants; and

138 (26) In connection with the sale, purchase, receipt, lease, exchange,
139 other disposition or acquisition of a project of the authority or of real
140 property, indemnify and hold harmless any person including, without
141 limitation, indemnification against taxation by the federal or state
142 governments respecting any state or local property taxes and any
143 realization of tax benefits or incentives associated with ownership of a
144 project or of real property.

145 (b) It is the intention of sections 1 to 5, inclusive, of this act that the
146 authority shall be granted all powers necessary to fulfill the purposes
147 of said sections and to carry out its assigned responsibilities and that
148 the provisions of said sections are to be construed liberally in
149 furtherance of this intention.

150 (c) Any contracts authorized by sections 1 to 5, inclusive, of this act
151 to be entered into by the authority may be entered into on either a
152 negotiated or an open-bid basis, and the authority in its discretion may
153 select the type of contract it deems most prudent to utilize, considering
154 the scope of work, the management complexities associated therewith,
155 the extent of current and future technological development
156 requirements and the best interests of the region. The terms and
157 conditions of such contracts, and the fees or other compensation to be
158 paid to any contracting persons pursuant to such contracts, shall be
159 determined by the authority.

160 Sec. 4. (*Effective October 1, 2015*) (a) The exercise of the powers
161 granted by sections 1 to 5, inclusive, of this act shall constitute the
162 performance of an essential governmental function and the authority
163 shall not be required to pay any taxes or assessments upon or in
164 respect to a project, or any property or moneys of the authority, levied
165 by any municipality or political subdivision or special district having
166 taxing powers of the state, nor shall the authority be required to pay

167 state taxes of any kind, and the authority, its projects, property and
 168 money shall at all times be free from taxation, except for estate and gift
 169 taxes imposed by the state or any political subdivision thereof.
 170 Nothing herein shall prevent the authority from entering into
 171 agreements to make payments in lieu of taxes with respect to property
 172 acquired by it or by any person operating or managing a project on
 173 behalf of the authority and neither the authority nor its projects,
 174 properties or money shall be obligated, liable or subject to lien of any
 175 kind for the enforcement, collection or payment thereof.

176 (b) Any real or personal property leased by the authority in
 177 connection with the operation of a project under the provisions of
 178 sections 1 to 5, inclusive, of this act which would otherwise be subject
 179 to taxation under chapter 203 of the general statutes shall be exempt
 180 from the assessment of property taxes permitted and required under
 181 said chapter 203 if such real or personal property is the subject of an
 182 agreement to make payments in lieu of taxes with respect to such
 183 property between the authority or the lessee of such project and the
 184 municipality in which such project is located. Any lessee or operator of
 185 such project from such authority who has made any payment of taxes
 186 due under such agreement shall not be required to make any payment
 187 of taxes on which a payment in lieu thereof has been made to the
 188 municipality.

189 Sec. 5. (*Effective October 1, 2015*) Any power granted by sections 1 to
 190 4, inclusive, of this act shall be in addition to, and not in derogation, of
 191 any power granted to any municipality under the provisions of any
 192 special act or of any general statute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	New section

Sec. 5	October 1, 2015	New section
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Statement of Legislative Commissioners:

In Section 1, the definition of "cost" was deleted because that term was not used in the bill.

PS *Joint Favorable Subst. -LCO*